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INDONESIA & EAST TIMOR

The 12 November Protests

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Amnesty International is concerned that peaceful East Timorese independence protesters detained by Indonesian security forces in Jakarta since 12 November could be in danger of torture and ill-treatment, and some may later be jailed as prisoners of conscience. Twenty-nine protesters who entered the US Embassy grounds in Jakarta on 12 November, and who remained there as of 15 November, could face a similar fate if they leave the embassy compound. Meanwhile, at least 16 and possibly many more East Timorese detained following three days of rioting and clashes with security forces in Dili, the capital of East Timor, between 12 and 15 November, may also be in danger of torture and ill-treatment.

The recent protests and arrests occurred on the eve of United States (US) President Bill Clinton's arrival in Jakarta for a meeting of heads of government of the Asia Pacific Economic Cooperation (APEC) countries, and on the third anniversary of the Santa Cruz massacre in which up to 270 people were killed by security forces in East Timor. They also occurred against the backdrop of serious human rights violations against Indonesian government critics, labour activists and socially marginalized groups in the run-up to APEC, documented in the Amnesty International report, Indonesia: "Operation Cleansing" - Human Rights and APEC, published in November 1994.

Concern for the safety and fair treatment of those recently detained has been heightened by the statements of Indonesian military and government officials in the days after the embassy occupation. The authorities have accused the protesters of attempting to tarnish the government's name and to win popularity by staging their demonstration during APEC. In the past, such accusations have been sufficient grounds for the trial and imprisonment of peaceful East Timorese protesters.

International reaction to the occupation of the US embassy and the unrest in Dili has demonstrated a degree of genuine concern on the part of several governments about the political and human rights situation in East Timor. Such expressions of concerns are

welcome but, in Amnesty International's view they do not guarantee the safety and fair treatment of those detained unless they are backed by immediate and concrete measures. Amnesty International is therefore urging the United States and other governments with diplomatic representatives in Jakarta to:

- Facilitate the safe passage out of Indonesia, of those East Timorese who wish to take up the offer of asylum by the Government of Portugal.

- Seek clarification about the identity and whereabouts of all those detained in Indonesia and East Timor in connection with the 12 November protests.

- Visit those currently in detention, or ensure that they are visited by representatives of the International Committee of the Red Cross or other independent parties;

- Seek precise details of the charges laid against the detainees, and urge that all those detained solely for their non-violent activities or beliefs are released immediately and unconditionally.

- Ensure that all those detained are accompanied by lawyers of their own choice at every stage of the investigation, as required under Indonesian and international law.

- Ensure that all detainees are granted regular and unhindered access to their relatives and to medical professionals.

- Seek clarification of the circumstances leading to the death of Mario Vicente in Dili on 12 November, and further information about the alleged killings of three other East Timorese by military forces on 13 November.

KEYWORDS: POLITICAL ACTIVISTS1 / STUDENTS1 / MASS ARREST / EXTRAJUDICIAL EXECUTION / REFUGEES / DEMONSTRATIONS1 / CIVIL UNREST / ASYLUM / APEC / INTERNATIONAL MEETINGS / PHOTOGRAPHS /

This report summarizes a 9-page document (3322 words), *Indonesia & East Timor: The 12 November Protests* (AI Index: ASA 21/53/94), issued by Amnesty International on 15 November 1994. Anyone wanting further details or to take action on this issue should consult the full document.

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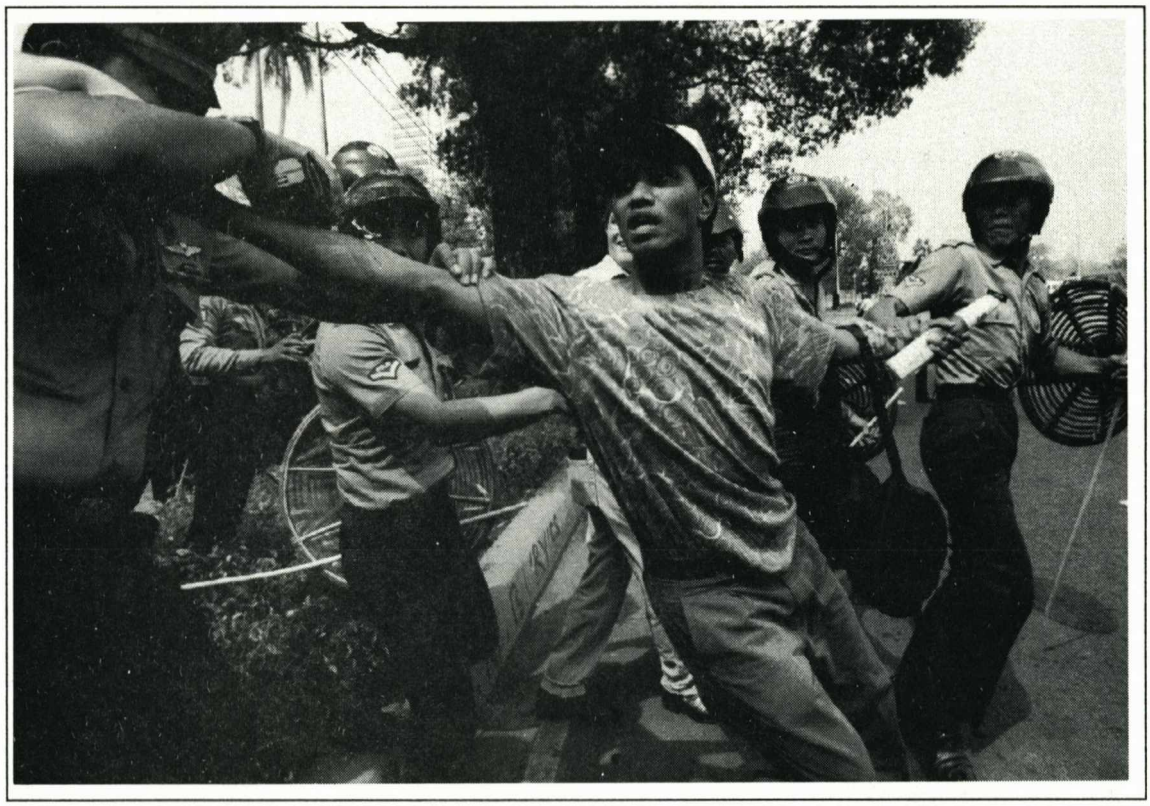

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INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

An East Timorese, **Valerio Jose Trindade**, is detained by Indonesian riot police outside the U.S. Embassy in Jakarta on 12 November 1994. Twenty nine others managed to enter the embassy compond. c. Reuter

INDONESIA & EAST TIMOR

The 12 November Protests

Introduction

At least a dozen peaceful East Timorese independence protesters detained by Indonesian security forces in Jakarta since 12 November could be in danger of torture and ill-treatment, and some may later be jailed as prisoners of conscience. Twenty-nine protesters who entered the US Embassy grounds in Jakarta on 12 November, and who remain there as of 15 November, could face a similar fate if they leave the embassy compound. Meanwhile, at least 16 and possibly many more East Timorese detained following three days of rioting and clashes with security forces in Dili, the capital of East Timor, between 12 and 15 November, may also be in danger of torture and ill-treatment.

These concerns are based on a long-standing pattern of human rights violations by Indonesian security forces against East Timorese pro-independence activists. Since 1990 thousands of East Timorese, most of them young people, have been detained without charge by Indonesian military and police authorities for periods of a few days to several months for their real or alleged political activities. Many of those detained have been held incommunicado and tortured or ill-treated by their captors to extract confessions or political intelligence. At least 30 East Timorese are currently serving prison sentences of up to life imprisonment for their non-violent pro-independence activities.

Amnesty International's concern for the safety and fair treatment of those recently detained has been heightened by the statements of Indonesian military and government officials in the days after the embassy occupation. The authorities have accused the protesters of attempting to tarnish the government's name and to win popularity by staging their demonstration during a meeting of heads of government of the Asia Pacific Economic Cooperation (APEC) countries. On 13 November, the military commander for Greater Jakarta, Major General Hendropriyono, accused the East Timorese protesters of being insufficiently "patriotic", saying: *"They...do not have any patriotism at all and they do not have any shame when their country is holding an international event."*[1] In the past, such accusations have been sufficient grounds for the trial and imprisonment of peaceful East Timorese protesters. For example, East Timorese accused of "tarnishing the country's image" by staging peaceful demonstrations after the 1991 Santa Cruz massacre, are now serving sentences of up to life imprisonment.

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[1] Reuters, 13 November 1994.

The recent protests and arrests occurred on the eve of United States (US) President Bill Clinton's arrival in Jakarta for the APEC summit, and on the third anniversary of the Santa Cruz massacre in which some 270 people were killed by security forces in East Timor. They also occurred against the backdrop of serious human rights violations against Indonesian government critics, labour activists and socially marginalized groups in the run-up to APEC, documented in the Amnesty International report, Indonesia: "Operation Cleansing" - Human Rights and APEC, published in November 1994.

1. The 12 November Protest

On the morning of 12 November, some 30 East Timorese students attempted to enter the US Embassy in Jakarta. The group scaled the fence surrounding the embassy grounds as police tried to prevent them. Amnesty International has obtained a list of 66 names of people who planned to take part in the demonstration, but only 29 managed to enter. At least 35 others were reported to have been detained before entering or reaching the embassy.

Once inside the embassy grounds, the 29 students displayed banners in English and Portuguese calling for the US President to seek the release of East Timorese resistance leader, Xanana Gusmão, to push for his participation in peace talks, and to support a referendum on the political future of East Timor. In a written statement, the protesters said that they were seeking a meeting with President Clinton, who arrived in Jakarta in the evening of 13 November, and with Secretary of State Warren Christopher, to discuss their political and human rights concerns.

Following early statements that the 29 would be encouraged to leave, officials at the US embassy clarified that the group would be permitted to stay, and provided them with some food and other facilities. Speaking to journalists on 14 November, President Clinton said the US government "*...had no problem with these young people coming and expressing their views in our embassy grounds, and we've talked with them and worked with them.*"[2] However, by the end of the day on Tuesday 15 November, the protesters had not met the President. The group apparently rejected offers of a meeting with the US Ambassador, and said that if their request to meet the President were not met they might be forced to ask for political asylum. A spokesman for the group, **Fernando Sarmento Alves**, told reporters: "*We are going to take harder steps if there are no positive developments, including consideration of political asylum.*"[3] Later reports suggested that the group might be prepared to accept a meeting with Indonesian President Suharto or Minister of Foreign Affairs, Ali Alatas, as an alternative.

Members of Indonesia's government-appointed National Human Rights Commission who visited the group at the embassy compound on 13 November, said that eight of the 29 had said they would leave the embassy if they received guarantees that they would not be arrested.

[2] Reuters, 14 November 1994.

[3] Reuters, 14 November 1994.

However, the Commission reportedly failed to obtain such guarantees, and all 29 protesters remained in the compound at the end of the day on 15 November.

Arrests in Jakarta and Other Cities

Between 35 and 50 East Timorese are reported to have been detained in Jakarta shortly before and after the embassy protest, but the exact number, identity and whereabouts of those detained is still unclear. As of 15 November, local human rights monitors and relatives had been able to identify only about a dozen of them by name, and uncertainty remained about where they were being held.

Amnesty International is concerned that, because of this uncertainty, those still in police or military custody could be denied access to lawyers and subjected to torture or ill-treatment. It is also concerned that those regarded as the political "ring-leaders" may later be tried and sentenced to prison terms for their peaceful political activities.

Some 35 East Timorese, most of them students from Surabaya and Malang, East Java, were reportedly detained in the early morning hours of 12 November in East Jakarta, before reaching the US Embassy. A number of this group were reportedly released after questioning the same day, but some were still thought to be in detention as of 15 November, including: **Francisco Honorio Sarmento**, and **Samuel Leki**, both university students from Malang; and **[João] Quintiliano Mario Neto Mok**, aged 27.

According to reports, members of this group were originally held in police custody before being taken to the regional headquarters of the military Coordinating Agency for the Maintenance of National Stability (Bakorstanasda) in Jakarta. These reports heightened Amnesty International's concern about the possibility of torture and ill-treatment. In September this year, security forces detained four men in Jakarta for releasing balloons with pro-democracy messages and subjected them to torture, including electric shocks, beatings and death threats, at Bakorstanasda headquarters under the supervision of high-ranking military intelligence officers.

Military authorities told a member of the National Human Rights Commission, and another independent observer who visited Bakorstanasda on 13 November, that no East Timorese were detained there, and that those from East Java hade been sent back home. On 15 November, police officials announced that 69 East Timorese had been sent back to their homes in East Java and released.

However, independent human rights monitors reported that as of 8am on 15 November, or three days after they were detained, none of those who had been detained had returned to their homes in East Java, and that the whereabouts of most remained unknown.[4] On 15 November, a

[4] Amnesty International has obtained a list of 12 East Timorese from Malang who were not arrested and who are currently in hiding.

police spokesperson in Jakarta reportedly admitted that: "*We don't know where they are.*"[5] The uncertainty about their whereabouts heightened concern that they might in fact still be in custody either in Jakarta or in East Java. Independent human rights monitors suggested that they might still be in the custody of police in Surabaya (POLDA Jawa Timur) or Malang.

One of those known to have been detained on 12 November was **Valerio José Trindade**, an East Timorese worker who lives in Jakarta. He was arrested by riot police outside the US Embassy while being interviewed by a foreign journalist prior to attempting to gain entry to the compound. His current whereabouts are not known nor are details of any charges against him. As he is a resident of Jakarta, he would not have been sent to East Java with the others, and so is probably in police or military custody in central Jakarta.

Security forces are also said to have arrested at least 11, and possibly more, East Timorese workers and students from their homes in various parts of Jakarta on and after 12 November. The reasons for their arrest, and the place of their detention, were not known as of 15 November. However, it is likely that they have been held because of their real or suspected links with those who entered the embassy. Although these reports could not be confirmed, East Timorese reported to have been detained in Jakarta include people named as: **Armindo Lopes, Alberto, Paul, Armando, Elias, Eduardo, Fidelis, Albertino, Avelino Tilman, José Caiola da Sousa,** and **Nelson Eduardo dos Santos.**

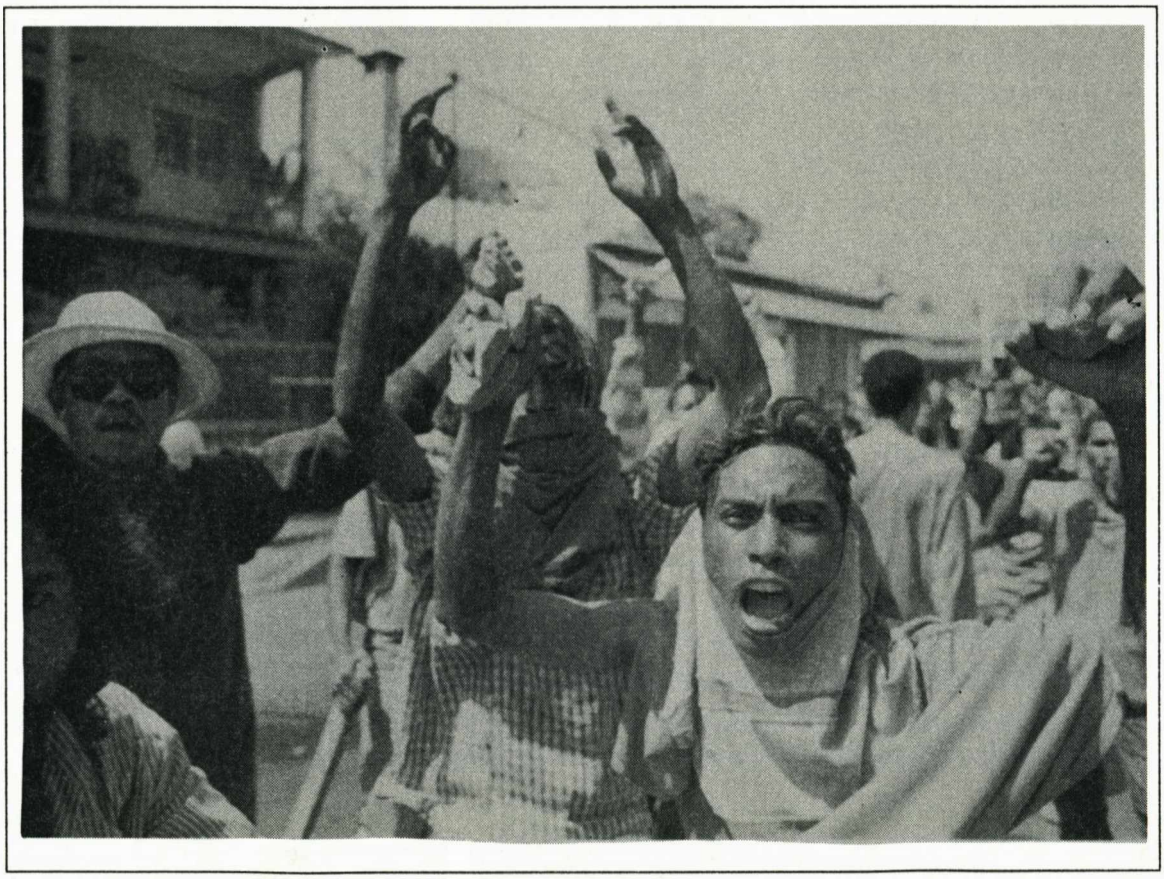
Amnesty International has also received reports that East Timorese in other cities, including Bandung, West Java, and Denpasar, Bali, have been summoned by military authorities though not necessarily detained. Among those summoned are three university students in Bandung: **Nelson E.S. Martin**, a student at Universitas Pajajaran; **Homen Gastao**, a student at the Bandung Institute of Technology; and **Lito Tilman**. They were reportedly taken from their homes by soldiers of the West Java Regional Military Command (KODAM III/Siliwangi) at about 2pm on 14 November. Human rights activists said the three had been taken to the KODAM headquarters, where they had been asked to signed a statement, on behalf of an East Timorese students' organization, denouncing the actions of the group that had entered the US Embassy. Similar incidents have been reported from Denpasar, Bali, where according to unconfirmed reports, scores of East Timorese students have been summoned for questioning by military authorities since 12 November. Two students, **Horacio Gonçalves da Costa**, and **Tede Branco**, are said to have been detained by the military, but it was not known whether they remained in custody.

Amnesty International is urging the Indonesian authorities to clarify the identity of all those detained in connection with the 12 November protests, the place of their detention, and the precise reasons for their arrest. It is also calling on other governments to assist in obtaining such clarification, and to take concrete measures to ensure that those detained are neither ill-treated nor jailed as prisoners of conscience.

[5] Reuters, 15 November 1994.

2. Unrest in East Timor

Widespread unrest and at times violent clashes with security forces in Dili and smaller towns of East Timor between 12 and 15 November has resulted in a number of deaths, the destruction of property, and scores of arrests. Amnesty International does not condone these acts of violence and it recognizes the right of police authorities to detain and bring to justice those responsible. Nevertheless, it is concerned that those detained may be ill-treated or tortured, and that the authorities may use the violence as a pretext to arrest and imprison non-violent pro-independence activists.



East Timorese rioters take to the streets of East Timor's capital, Dili, on 13 November 1994. c. Jeff Widener/AP

The unrest was apparently triggered by the murder of an East Timorese trader, **Mario Vicente**, following a dispute with a trader from the island of Sulawesi, at the Becora market in Dili on 12 November. Within an hour hundreds of East Timorese had congregated to protest against the killing, but the protest quickly degenerated into violence, leading to the destruction of shops, houses, and vehicles. The unrest continued into the early hours of the morning and erupted again the following day. According to one report, early on 13 November, a group of some 40 demonstrators marched to the Mahkota Hotel where they displayed banners with messages like "Free East Timor" and shouted pro-independence slogans. There were unconfirmed reports that a crowd gathered in the Lecidere quarter of Dili, to lower the Indonesian flag and replace it with the flag of East Timor's resistance movement.

Police and military authorities reported that crowds attacked the homes and shops of non-Timorese migrants in various parts of the city, including Audian, Balide, Becora, Bidau Santana, Colmera, Kuluhun, Manleuana, and Santa Cruz. Describing the unrest, Police Chief Andreas Sugianti said: "*The mob was wild. They were running after the police and throwing stones at them. If we were not wearing helmets, we might have been injured as well.*"[6] At the marketplace in Colmera, crowds reportedly clashed with police and Mobile Brigade forces. Security forces managed to disperse the crowds with tear gas, then as night fell soldiers reportedly began to carry out widespread arrests.

The violence flared again on 14 November. In one incident some 600 protesting East Timorese students hurled stones at riot police in the vicinity of the University of East Timor in Dili. According to another report, angry demonstrators attacked the Hotel Turismo in Dili, breaking windows and destroying property. Disturbances as well as pro-independence demonstrations were also reported from areas outside Dili, including Baucau, Ermera, Lospalos, Maliana, and Manatuto. On 15 November, a further pro-independence protest was reported at the University of East Timor. According to reports, some 300 students demonstrated for nearly three hours, while police and army surrounded the campus. No violence was reported.

Arrests and Casualties in East Timor

Police authorities said on 14 November that they had arrested some 80 people in connection with the unrest and announced that those detained would be charged with criminal offences. Speaking to journalists, Police Chief Andreas Sugianto said: "*They have been burning and throwing stones. These are criminal activities. We have arrested them because of these activities and we will charge them in court.*"[7] The following day, the police announced that all but eleven of the 80 had been released after questioning; the number in detention was revised to

[6] Reuters, 14 November 1994.

[7] Reuters, 14 November 1994.

16 later in the day.[8] However, in keeping with past practice, the military authorities did not clarify how many people were held in military custody, so the total number detained was unclear.

Independent sources claimed that, as of 15 November, the number detained was closer to 250, with about 100 arrested in the Colmera area, 80 in the vicinity of Santa Cruz, and at least 70 held following the clash at the university on 14 November. The sources did not know where the detainees were being held, and the number reportedly held could not be confirmed.

Police authorities said on 14 November that there had been no deaths during the three days of unrest and rioting, but that some people had been injured. Reports from independent sources, still unconfirmed, said that three East Timorese had been stabbed to death by Indonesian soldiers or intelligence operatives. One of those allegedly killed was **Fernando (alias Nando)**, originally of Suai, but a resident of Kuluhun, Dili. He was reported to have been killed in Kuluhun by a member of Battalion 745 on 13 November. Two other men, who are said to have taken part in the unrest but whose names are not yet known, were reported to have been killed on the same day in the Laclubar and Santa Cruz quarters of Dili.

3. International Responsibilities

International reaction to the occupation of the US Embassy and the unrest in Dili, has demonstrated a degree of genuine concern on the part of several governments about the political and human rights situation in East Timor. Secretary of State Warren Christopher told journalists on 13 November that the US Government would raise its human rights concerns in meetings with Indonesian officials, a promise reiterated by President Clinton on 15 November one day before his bilateral meeting with President Suharto.[9] Canada's Prime Minister, Jean Chretien, told journalists that he had raised the recent developments in Jakarta and East Timor during a meeting with Indonesian President Suharto. In an apparent departure from past practice, the Government of Japan announced on 13 November that Indonesia's human rights record in East Timor would be taken into account in future deliberations about development aid to Indonesia.

Such expressions of concerns and promises of future action are welcome. However, in Amnesty International's view, they do not guarantee the safety and fair treatment of those currently detained unless they are backed by immediate and concrete measures. As of 15 November, there was little indication that the US, Canadian, Japanese or any other governments had taken any concrete action to secure the safety of those currently at risk.

One apparent exception was the Government of Portugal, though its options were necessarily limited by the fact that it has no diplomatic mission in Jakarta. On 14 November the

[8] Reuters, 15 November 1994.

[9] Reuters, 15 November 1994.

Prime Minister announced that Portugal would grant political asylum to the 29 still within the embassy compound, an offer they were said to be considering seriously. The President of Portugal called on the US Government to ensure that those still in custody were humanely treated and accompanied by lawyers, and to seek clarification of the charges to be brought against them.[10]

The response of the US Government to these suggestions was somewhat disappointing. Officials gave no indication that the government intended to take any direct measures to ensure the safety of those detained in Jakarta, Dili or elsewhere. It was also unclear whether it would facilitate the safe passage to Portugal of the 29 East Timorese in the embassy compound. In fact, statements by President Clinton suggested that the US Government might instead encourage the East Timorese to leave the embassy. Speaking in Jakarta, President Clinton said that the US Government had received and accepted assurances from the Indonesian government that the 29 would not be punished if they left the embassy:

> *We have been assured there will be no retribution against them in exercising their political expression....I feel comfortable the commitment we have received will be honoured.*"[11]

Given the long-standing pattern of torture and ill-treatment of East Timorese activists by Indonesian security forces, Amnesty International is concerned that such assurances alone do not provide an adequate guarantee of the safety of those inside the embassy compound. It therefore urges the United States, and other governments with diplomatic representatives in Jakarta, to ensure that none of those currently detained are tortured or ill-treated, and that those inside the US Embassy compound will not be arbitrarily detained if they leave. More concretely, Amnesty International calls on governments to:

- Facilitate the safe passage out of Indonesia, of those East Timorese who wish to take up the offer of asylum by the Government of Portugal.

- Seek clarification about the identity and whereabouts of all those detained in Indonesia and East Timor in connection with the 12 November protests.

- Visit those currently in detention, or ensure that they are visited by representatives of the International Committee of the Red Cross or other independent parties;

- Seek precise details of the charges laid against the detainees, and urge that all those detained solely for their non-violent activities or beliefs are released immediately and unconditionally.

[10] Reuters, 14 November 1994.

[11] Reuters, 14 November 1994.

- Ensure that all those detained are accompanied by lawyers of their own choice at every stage of the investigation, as required under Indonesian and international law.

- Ensure that all detainees are granted regular and unhindered access to their relatives and to medical professionals.

- Seek clarification of the circumstances leading to the death of Mario Vicente in Dili on 12 November, and further information about the alleged killings of three other East Timorese by military forces on 13 November.

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